

Application No. 10/046,457
Reply to Office Action mailed February 18, 2005

REMARKS

Claims 1-13 and 15-24 remain in this application. Applicants have amended claim 1 to further specify the superproofing conditions and the overall effect of the invention on the resulting product. More specifically, Applicants have amended claim 1 to specify that the superproofing temperature is "about 140 to about 160°F" (support can be found in the specification on page 12, lines 26-29, for the lower limit and on page 10, line 16, for the upper limit). Claim 1 has also been amended to require that "the improved dough product can be stored in a frozen condition and then up to about 5 days in an unfrozen condition under refrigerated condition and remain self-rising when baked" (support can be found in the specification on page 13, lines 22-26).

The Present Invention

The present invention as claimed provides a dough product that includes a superproofed skin which is provided by superproofing a proofed dough. The superproofed skin removes the dough's tackiness and allows it to be easily lifted off of a conveying pan and subsequently packaged. Further, the superproofing is effective for inactivating some yeast on the superproofed skin but does not kill yeast within the dough which allows the resulting dough product to naturally rise or self-rise when finally cooked. The superproofing temperature (generally about 140 to about 160°F) is significantly higher than conventional proofing temperatures. Superproofing allows the dough product to be stored for significant period of time (e.g., about 90 days) in a frozen state and then stored up to about 5 days in an unfrozen state under refrigeration condition and remain self-rising when baked. See specification at page 13, lines 22-26.

Rejection under 35 USC 112

The rejection to claim 14 has been obviated as claim 14 has been canceled.

Rejections over U.S. Patent No. 3,630,755 to Schiffmann

Schiffmann does not describe or suggest a dough product with a superproofed skin as claimed. Nor does Schiffmann describe or suggest a dough product which can be stored unfrozen for up to 5 days under refrigerated conditions but remain self-rising when baked. Schiffmann

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describes a rapid proofing method using microwave energy that includes:

a first period: 90-120°F for 5-180 seconds (column 2, lines 4-7);
a second period: Maintain temperature of 90-120°F for 20-180 seconds (column 2, lines 7-8); and
a third period: 90-120°F for 180 seconds (column 2, lines 8-11).

It is clear from Schiffmann that he was trying to shorten the proofing time in a conventional baking process (i.e., one in which the product is baked shortly after completion of the proofing step). Schiffmann recognized that the conventional proofing temperature was less than 130°C (col. 1, line 43-50) and took pains to keep his maximum proofing temperature below this value (see, e.g. col. 2, lines 1-15; Figure 3). Thus Schiffmann could not teach the superproofing condition (i.e., 140-160°F) of the present invention and, indeed, teaches away from such conditions.

Moreover, it is clear that Schiffmann intended his proofed product to be fried or baked "immediately" after proofing. See, e.g. col. 2, lines 39-42; col. 5, lines 45-54; col. 9, lines 55-60). Thus Schiffmann cannot teach or suggest that the superproofing conditions of the present invention would allow for a significant frozen storage period and then unfrozen storage up to about 5 days and still maintain the self-rising temperature when baked. Indeed, the only discussion in Schiffmann related to shelf life was of the finished products (i.e., baked or fried) which were reported to have longer shelf lives than conventional-proofed products – probably on the order of 2-4 days. See, col. 9, lines 34-45. Thus, Schiffmann does not teach or suggest that the product of the present invention would be able to be stored unfrozen up to 5 days under refrigerated conditions (much less after prolonged frozen storage).

Claims 1, 11, and 23 disclose a method for preparing a dough product comprising proofing the dough as well as superproofing the dough by heating it to a temperature of 140°F to 160°F. Schiffman heats the dough in its final proofing stage to a temperature of 100°F to 130°F and preferably 100°F-110°F. Indeed, Schiffman is careful to keep the maximum proofing temperature below 130°F. Because the range disclosed in Schiffmann does not overlap, touch, or lie within the claimed range, it does not anticipate the claimed range. *See MPEP §2131.03 III.* Further, the claimed range is not obvious because it is not even very close to Schiffmann (*See MPEP §2144.05*) and is higher than the conventional maximum proofing temperature. Schiffmann notes that the

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ambient temperature which is most suitable for the dough is under 130°F as too high a temperature dries out the skin (Col 1, lines 47-49). Thus, Schiffmann teaches away from heating the dough above 130°F. This invention shows surprising results as the dough is seared to create a skin, yet the yeast inside the dough is not deactivated, so it will rise upon baking even if subjected to frozen storage conditions followed by unfrozen storage under refrigeration conditions for up to about 5 days.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

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